

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RICARDO W. MADDOX,

Petitioner,

v.

//

CIVIL ACTION NO. 1:11CV103
CRIMINAL NO. 1:08CR90
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 5, 2011, the pro se petitioner, inmate Ricardo Maddox ("Maddox"), filed a writ of habeas corpus pursuant to 28 U.S.C. § 2255, (dkt. no. 1 in 1:11CV103 and dkt no. 80 in 1:08CR90), in which he alleges that he entered into an involuntary plea agreement based on ineffective assistance of counsel. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with LR PL P 2.

On July 3, 2013, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R") recommending that Maddox's petition be denied and dismissed with prejudice. (Dkt. No. 14). The magistrate judge determined that (1) Maddox's counsel was not ineffective during the plea-bargaining process; and (2) Maddox had knowingly, intelligently, and voluntarily waived the right to collaterally attack his conviction. Id.

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The R&R also specifically warned Maddox that his failure to object to the recommendation within fourteen (14) days of service would result in the waiver of any appellate rights he might otherwise have on these issues. Although the record reflects that Maddox's correctional center accepted service of the R&R on July 9, 2013, he has not filed any objections.¹ Consequently, finding no clear error, the Court:

1. **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 14);
2. **DENIES** the instant § 2255 petition (dkt. no. 1 in 1:11CV103 and dkt no. 80 in 1:08CR90);
3. **DENIES** the defendant's Motion for Default Judgment (dkt. no. 7);
4. **DENIES AS MOOT** the defendant's Motion to Expedite (dkt. no. 13)
5. **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and **STRICKEN** from the docket of this Court.

Finding no issue of constitutional merit upon which reasonable jurists might differ, the Court further **DENIES** a certificate of

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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appealability in this matter. See Rule 11(a), Rules Governing Section 2254 and 2255 Cases.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: July 25, 2013.

/s/ Irene M. Keeley

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE